

The IGUCA Process for the Pawnee-Buckner-Sawlog Subbasin

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What is an IGUCA?

- Area of special concern
- Conditions require regulation of ground water
- Kansas Statutes 82a-1036 - 1038

What conditions require regulation of ground water?

- Excessive ***declines***
- ***Withdrawals*** exceed recharge
- Unreasonable ***deterioration*** of water quality
- Preventable ***waste*** of water
- ***Other*** conditions as determined by the chief engineer

Pawnee Valley IGUCA

- Designated in 1981
- Only includes area within GMD No. 5
- Upstream reaches of the Pawnee River not included
- Tributaries of the Pawnee River (Buckner Creek and Sawlog Creek) not included

How will the chief engineer decide whether to expand the IGUCA?

- A *public hearing* will be held
- **Facts** will be presented to show whether conditions require regulation of ground water
- SWRMP will present **results of studies**
- Other interested persons (**parties**) may also present facts for consideration

What happens if the Pawnee Valley IGUCA is expanded?

- Ground water users within the designated area may be required to implement ***corrective control provisions***
- Chief engineer will issue an order stating:
 - Provisions that will apply and when
 - Water rights affected

What are corrective control provisions?

Corrective control provisions may include:

- Requiring ground water right holders to reduce the amount of water appropriated
- Rotating well shut-offs or reductions in the amount or rate of pumping allowed
- Prohibiting the acceptance of applications for new appropriations
- Other provisions needed to correct the conditions found to exist

How can water rights be affected?

- Water right certificates or permits will not be permanently changed but . . . ***corrective control provisions will be in effect for as long as needed to address the concerns***
- Vested water rights will not be reduced

How will the chief engineer decide on corrective control provisions?

- The Pawnee-Buckner Subbasin Committee recommends drought contingency plans
- The report presented by the SWRMP will present:
 - facts addressing the proposed drought contingency plans
 - recommendations based on facts
- Parties may also present facts and recommendations

How can you participate in the IGUCA process?

- Attend:
 - Public information meetings, July 27th
 - Pre-hearing conference, August 16th
 - Formal public hearing, ***begins*** October 24th
 - Public comment session of public hearing, October 25th, 7:00 pm
- Submit written comments to the chief engineer

What happens before the hearing?

Pre-hearing conference (August 16th)

- Parties will be identified
- Dates to exchange information will be set
- Specific issues will be identified
- Opportunity to ask questions and get assistance before the hearing

What happens at the hearing?

Formal public hearing (October 24th)

- Similar to a court trial
- Each party allowed to present their facts and evidence
- Parties allowed to cross-examine witnesses
- Hearing will continue as long as needed to allow all parties to participate

What happens at the public comment session?

Public comment session (October 25th)

- Anyone who wants to make a comment will be allowed
- Comments will be given under oath or affirmation
- A court reporter will record all comments
- Evidence will not be accepted
- Questions will not be answered
- Written comments can be submitted

Can you become a party?

You may become a party if:

- You hold a water right within the area
- You have a legal interest that could be affected
- You want to present evidence to be considered
- You want to cross-examine witnesses
- You are willing to invest time and resources

Are you required to become a party?

You are not required to become a party if:

- Your interests are represented as part of a larger group
- Your interests are represented by others who are parties
- Your concerns can be adequately addressed by submitting oral or written comments

What notices will be given before the hearing?

- If you own a water right within the area under consideration you will receive notice in the mail at least 30 days prior to the hearing
- Notice will also be published in newspapers in Jetmore, Larned and Ness County

Who can you contact for information?

- Tina Alder or Eve Tracy, SWRMP
(785) 296-3705
- Bruce Falk, Water Commissioner
(620) 234-5311
- Barbara Hodgson, KDA Legal
(785) 291-3365